

DEC. 21. 2004 3:52PM

TL&A 512-327-5452

**RECEIVED  
CENTRAL FAX CENTER**

NO. 597 P. 6

**DEC 21 2004**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jerry E. Pierce

For: **METHOD AND SYSTEM FOR OPTIMIZING MARKET ACCESSIBILITY VIA  
AN ELECTRONIC NETWORK**

App. No.: 09/497,773 Filed: 02/03/2000

Examiner: Michael A. Cuff Group Art Unit: 3627

Customer No.: 34456 Confirmation No.: 7892

Atty. Dkt. No.: 1007-0001

---

Mail Stop: Appeal Brief--Patents  
The Board of Patent Appeal and Interferences  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**BRIEF ON APPEAL**

Jeffrey G. Toler, Reg. No. 38,342  
TOLER, LARSON & ABEL, L.L.P.  
Attorney for Applicant(s)  
(512) 327-5515 (phone)  
(512) 327-5452 (fax)

TABLE OF CONTENTS

I.	REAL PARTIES IN INTEREST.....	1
II.	RELATED APPEALS AND INTERFERENCES.....	1
III.	STATUS OF CLAIMS .....	1
IV.	STATUS OF AMENDMENTS .....	2
V.	SUMMARY OF INVENTION.....	2
VI.	ISSUES .....	4
VII.	GROUPING OF CLAIMS.....	4
VIII.	ARGUMENTS.....	5
	A. THE APPEALED CLAIMS ARE ALLOWABLE UNDER 35 U.S.C.	
	§102. ....	5
	B. THE APPEALED CLAIMS ARE ALLOWABLE UNDER 35 U.S.C.	
	§103. ....	7
IX.	APPENDIX OF CLAIMS INVOLVED IN THE APPEAL.....	18

## PATENT

**I REAL PARTY IN INTEREST (37 C.F.R. §1.192(c)(1))**

The real parties in interest in this appeal are Jerry E. Pierce of Winter Park, Florida; Bradley E. Pierce of Casselberry, Florida; and Woodbine Leasing, Inc. of Orlando, Florida.

**II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 1.192(c)(2))**

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, Applicants are not aware of any such appeals or interferences.

**III. STATUS OF CLAIMS (37 C.F.R. §1.192(c)(3))****A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

The application has forty-one claims (1-41). Claims 1-15, 26-28, 31-33, and 39-41 have been canceled. There are seventeen (17) claims pending in the application (Claims 16-25, 29-30, and 34-38). Claims 16-19, 21-25, 29-30, and 35-38 are presently being Appealed.

**B. STATUS OF ALL THE CLAIMS**

1. Claims pending: Claims 16-25, 29-30, and 34-38 are pending.
2. Claims withdrawn from consideration but not canceled: NONE.
3. Claims allowed: NONE.
4. Claims objected to: NONE.
5. Claims rejected:
  - A. Claims 16 and 17 are rejected under 35 U.S.C § 102.
  - B. Claims 18-25, 29-30, and 34-38 are rejected under 35 U.S.C. § 103.

PATENT

6. Claims canceled:

Claims 1-15, 26-28, 31-33, and 39-41 have been canceled.

C. CLAIMS ON APPEAL

There are fifteen (15) claims on appeal. The claims on appeal are claims 16-19, 21-25, 29-30, and 35-38.

IV. STATUS OF AMENDMENTS (37 C.F.R. §192(c)(4))

Applicants' response to the Final Office Action dated March 30, 2004, from which this Appeal was filed, was found persuasive by Examiner Cuff, as noted in a subsequent Final Office Action dated July 7, 2004. No amendments have been filed in response to the Final Office Action dated July 7, 2004. The claims hereby Appealed are based on the Amendment filed January 23, 2004 in response to the Non-Final Office Action dated December 30, 2003.

V. SUMMARY OF INVENTION (37 C.F.R. §1.192(C)(5))

The following summary is provided to give the Board the ability to conveniently review particular embodiments of the claims on appeal as described in the patent application, but this summary does not limit the scope of the claimed invention.

The invention relates generally to electronic commerce systems and methods. In one embodiment, the claims are directed to a method of offering a plurality of interrelated products through a plurality of interrelated websites (Page 2, Lines 7-12). The method includes the steps of establishing at least two product-specific websites, each having a website domain name formed from a common word and a product name, wherein the product name identifies a product

## PATENT

offered for sale via the website (Page 2, Lines 15-19, and FIG. 2). For example, product-specific websites for restaurant equipment may be named by appending the word "world" to a product-specific word descriptive of the site (e.g. Hotdogworld.com, Ovenworld.com, Refrigeratorworld.com, Freezerworld.com, and Fryerworld.com) (Page 4, Lines 12-19 and FIG. 2).

More specifically, the website domain name of a particular website is formed from a second-level domain name portion having a common name portion (e.g. "world"), a first product name portion (e.g. "Hotdog", "Oven", "Refrigerator", "Freezer", or "Fryer"), and a top-level domain portion (e.g. "com"). A domain name locates an organization or other entity on the Internet. For example, the domain name www.totalbaseball.com locates an Internet address for 'totalbaseball.com' at Internet address 199.0.0.2 and a particular host server named 'www'. The 'com' part of the domain name reflects the purpose of the organization or entity (in this example, 'commercial') and is called the top-level domain name. The 'totalbaseball' part of the domain name defines the organization or entity and together with the top-level domain name is called the second-level domain name. The second-level domain name maps to and can be thought of as the 'readable' version of the Internet address. (Excerpt from Whatis.com). Each of the product-specific site examples depicted in FIG. 2, such as "Hotdogworld.com" 31, "Ovenworld.com" 32, "Refrigeratorworld.com" 33, "Freezerworld.com" 34, and "Fryerworld.com" 35, is a second-level domain name having a common name portion (e.g. "world"), a product name portion (e.g. "Hotdog", "Oven", "Refrigerator", "Freezer", or "Fryer"), and a top-level domain portion ("com"). Each of the websites having a second level domain name formed as described above are linked, such that a user visiting a first website can move to a second website by selecting a link (Page 2, Line 20 – Page 3, Line 2, Page 4, Lines 11-12, and FIG. 2).

## PATENT

The websites can also be linked to a central site including processing host utilities (Page 4, Lines 4-13, and FIG. 2). The central site may perform tasks such as taking orders, processing payment, verifying credit cards, confirming orders and querying buyers. The central site also links to the product-specific sites (Page 4, Line 13-14, and FIG. 2).

In another embodiment, the websites are configured to offer a service for sale. For example, the websites may be configured to offer for sale travel services (Page 6, Lines 4-6) or legal services (Page 5, Lines 10-15).

VI. ISSUES (37 C.F.R. §1.192(c)(6))

A. Whether claims 16 and 17 are allowable over the newly cited www.fox.com website presented in the Office Action dated July 7, 2004 under 35 U.S.C. §102.

B. Whether claims 18-25, 29, 30, and 34-38 are allowable over United States Patent No. 5,946,665 issued to Suzuki et al. (hereinafter "*Suzuki*") in view of the www.fox.com website, put forth in the Final Office Action dated July 7, 2004, fails to anticipate claims 18-25, 29, 30, and 34-38 under 35 U.S.C. §103.

VII. GROUPING OF CLAIMS (37 C.F.R. §1.192(c)(7))

Group A includes claims 16 and 17. The claims of Group A do not stand or fall together. Group B includes claims 18-25, 29, 30, and 34-38. The claims of Group B do not stand or fall together. The rejections of the appealed claims do not stand or fall together.

### VIII. ARGUMENTS

Based on the arguments and issues below, none of the claims stand or fall together. In addition to having different scopes, each of the independent claims presents a unique set of issues relating to this appeal as described in the arguments below:

A. THE PENDING CLAIMS ARE ALLOWABLE UNDER 35 U.S.C. §102 (37 C.F.R. §1.192(C)(8)(iii)):

1. The Product feature of claim 16 is not shown in the cited art

Independent claim 16 includes elements not found in the cited references, such as a product name portion identifying a product offered for sale via a website. MPEP § 2131 recognizes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). And that "[the] identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

The Final Office Action dated July 7, 2004 states that the fox network ([www.fox.com](http://www.fox.com)) shows a group of related domain named websites all having the core name "fox" involved either alone or with a product label attached such as foxmovies, foxtv, foxsports, and foxnews. The Final Office Action also states that direct links between the varying sites are shown.

## PATENT

However, the provided fox network reference fails to teach or suggest each and every element as set forth in claim 16. For example, the cited reference fails to teach the product name portion identifying a product offered for sale via the website. None of the websites cited by the Final Office Action (i.e. foxmovies, foxtv, foxsports, and foxnews) sell a product and, moreover, none of the cited websites offer for sale a product identified by the product name portion of the domain name. For example, the foxsports website cited in the Final Office Action does not sell sports or products related to sports.

In contrast to the fox reference, the examples of the claimed invention presented in the specification are directed to websites that offer for sale products related to the product name portion of the domain name. For example, "ovenworld.com" offers for sale ovens, "fryerworld.com" offers for sale fryers, "refrigeratorworld.com" offers for sale refrigerators, "hotdogworld.com" offers for sale hotdog vending equipment, and "freezerworld.com" offers for sale freezers.

Thus, the Applicants respectfully submit that claim 16 is allowable over the cited references under 35 U.S.C. §102.

## 2. The Linking feature of claim 17 not found in the cited art

In addition, the cited fox reference websites fail to teach or suggest each and every element of claim 17. Claim 17 depends from claim 16 and, thus, includes the elements of claim 16. In addition to failing to teach or suggest each of the elements of claim 16, the cited fox website pages fail to teach that the first website includes the direct link to the second website and



includes a second direct link to the third website, the second website includes a third direct link to the first website and fourth direct link to the third website, and the third website includes a fifth direct link to the first website and a sixth direct link to the second website.

In the fox reference, only a first website is shown to have links to other websites. However, the fox.com website is not shown to link to the foxsports.com website, and the foxsports.com website is not shown to link to the fox.com website.

Thus, Applicants respectfully submit that Claim 17 is allowable over the cited references under 35 U.S.C. §102.

B. THE PENDING CLAIMS ARE ALLOWABLE UNDER 35 U.S.C. §103 (37 C.F.R. §1.192(c)(8)(iv)):

1. The Central Server Feature of Claim 18 is Not Shown in the Cited Art

None of the cited references alone or in combination teach or suggest the specific combination of claim 18. For example, claim 18 includes a central site processing payments, verifying credit cards, confirming product orders, and querying visitors to the first website and to the second website. This feature is not found in *Suzuki*, the www.fox.com website, or in the combination of *Suzuki* in view of the www.fox.com website.

The Final Office Action dated July 7, 2004 states that *Suzuki* shows a virtual mall with many stores, which are related as being members of the same mall and that products (some can be restaurant related) are sold and centrally processed. In addition, the Final Office Action

## PATENT

states that *Suzuki* shows all of the limitations of the claims except for specifying the domain labeling method and relies on the [www.fox.com](http://www.fox.com) website to teach a method of placing a common word "fox" in all its domain names in order to take advantage of their recognition. However, the Final Office Action fails to indicate where the elements of claim 18 are taught in the cited references and fails to identify each element of the rejected claims.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is on the Patent Office. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grablak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

## PATENT

The combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fails to teach or suggest all of the claim limitations of Claim 18. In addition, there is no suggestion or motivation to combine the references. Further, a reasonable expectation of success has not been established or presented by the Examiner. Further, the Applicants have submitted secondary evidence of commercial success.

*Suzuki* describes an online shopping system using a communication system. The server of *Suzuki* includes a store indication and purchase means 4, which searches databases and sends information to a client terminal (Col. 3, Lines 43-50 and Col. 4, Lines. 29-61). Specifically, the store indication and purchase means 4 is intended to indicate to a shopper a historical representation of stores visited and products purchased. However, activities associated with the purchase of goods are not associated with the server of *Suzuki*. The customer may buy goods via the communications network (Col. 1, Lines 55-60) and, more specifically, the customer may enter a server of a store (different than the server of *Suzuki*) and purchase goods (Col 12, Lines 16-19). As such, *Suzuki* does not teach or remotely suggest a central site processing payments, verifying credit cards, and confirming product orders.

Regarding claim 18, claim 18 depends from claim 16 and, thus, includes the elements of claim 16. *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 16 and each and every element of claim 18. Specifically, *Suzuki* fails to teach or suggest the elements of claim 16 including the product name portion identifying a product offered for sale via the website. *Suzuki* fails to teach or suggest establishing a first website and a second website, fails to teach or suggest creating a website direct link between the first website and the second website

(i.e. links between store sites), fails to teach or suggest a first product offered as part of a product family, and fails to teach or suggest a second product related to the first product.

In addition, *Suzuki* fails to teach or suggest the elements specific to claim 18 including a central site processing payments, verifying credit cards, confirming product orders, and querying visitors to the first website and to the second website. The server of *Suzuki* does not handle purchasing activities and, instead, purchasing is handled by other servers. *Suzuki* fails to teach a central site processing payments, verifying credit cards, and confirming product orders.

As described above, the [www.fox.com](http://www.fox.com) website fails to overcome the deficiencies of *Suzuki* in relation to the elements of claim 16. Moreover, the [www.fox.com](http://www.fox.com) website fails to teach or suggest the elements of claim 18 including a central site processing payments, verifying credit cards, and confirming product orders. Therefore, the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fails to teach or suggest every element of claim 18. As such, Applicants respectfully submit that claim 18 is allowable under 35 U.S.C. §103.

## 2. The Linking Feature of Claims 19 & 21 is Not Shown in the Cited Art

Regarding claim 19, *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 19. In addition to the product feature deficiencies described above in relation to claim 16, *Suzuki* fails to teach or suggest that the first website includes a direct link to the second website and includes a second direct link to the third website, the second website includes a third direct

## PATENT

link to the first website and a fourth direct link to the third website, and the third website includes a fifth direct link to the first website and a sixth direct link to the second website. The www.fox.com website fails to overcome the deficiency of *Suzuki*. Therefore, the combination of *Suzuki* and the www.fox.com website fails to teach or suggest every element of claim 19. As such, Applicants respectfully submit that claim 19 is allowable under 35 U.S.C. §103.

Regarding claim 21, claim 21 depends from claim 19 and, thus, claim 21 includes the elements of claim 19. *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or remotely suggest each and every element of claim 19, as described above. Claim 21 further includes a central site having links to the first, second and third websites. *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or remotely suggest a central site linking to the websites of claim 19, as described above. As such, Applicants respectfully submit that claim 21 is also allowable under 35 U.S.C. §103.

3. The Interrelated Products Feature of Claim 22 is Not Found in the Cited Art

Regarding claim 22, claim 22 depends from claim 19 and, thus, claim 22 includes the elements of claim 19. *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or remotely suggest each and every element of claim 19, as described above. In addition, *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or remotely suggest a first product, a second product, and a third product that are interrelated products offered by a vendor. As such, Applicants respectfully submit that claim 22 is allowable under 35 U.S.C. §103.

4. The Service Feature and Linking Feature of Independent Claim 23 are Not Shown in the Cited Art

Regarding independent claim 23, *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 23. Specifically, *Suzuki* fails to teach or suggest the elements of claim 23 including the service name portion identifying a service offered for sale via the website. *Suzuki* fails to teach or suggest a second service related to a first service and a third service related to the first service and related to the second service. In addition, *Suzuki* fails to teach or suggest a first website that includes a direct link to the second website and includes a second direct link to the third website, the second website includes a third direct link to the first website and a fourth direct link to the third website, and the third website includes a fifth direct link to the first website and a sixth direct link to the second website, as recited in claim 23. The [www.fox.com](http://www.fox.com) website fails to overcome the deficiency of *Suzuki*. Therefore, the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or suggest each and every element of claim 23. As such, Applicants respectfully submit that claim 23 is allowable under 35 U.S.C. §103.

**5. The Restaurant Equipment Feature of Claim 24 is Not Shown in the Cited Art**

Regarding claim 24, claim 24 depends from claim 16 and, thus, includes the elements of claim 16. *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or remotely suggest each and every element of claim 16, as described above. In addition, *Suzuki* and the www.fox.com website fail to teach or suggest elements specific to claim 24 including that the first website, the second website and a central site are associated with restaurant equipment. Neither *Suzuki* nor the www.fox.com website teach or remotely suggests restaurant equipment. Therefore, the combination of *Suzuki* and the www.fox.com website fail to teach or suggest each and every element of claim 24. Thus, Applicants respectfully submit that claim 24 is allowable.

**6. The Product Feature of Claim 25 is Not Found in the Cited Art**

Regarding claim 25, claim 25 depends from claim 16 and, thus, claim 25 includes the elements of claim 16. *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or remotely suggest each and every element of claim 16, including the product feature as described above. As such, Applicants respectfully submit that claim 25 is likewise allowable.

**7. The Restaurant Equipment Feature of Claim 29 is Not Shown in the Cited Art**

Regarding claim 29, claim 29 depends from claim 19 and, thus, claim 29 includes the elements of claim 19. *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 19, as described above. In addition, *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or suggest elements specific to claim 29 including that the first website, the second website, and a central site are associated with restaurant equipment. Neither *Suzuki* nor the [www.fox.com](http://www.fox.com) website teach or remotely suggest restaurant equipment. Therefore, the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fails to teach or suggest each and every element of claim 29. As such, Applicants respectfully submit that claim 29 is allowable.

**8. The Product Feature Included in Claim 30 is Not Shown in the Cited Art**

Regarding claim 30, claim 30 depends from claim 19 and, thus, claim 30 includes the elements of claim 19. *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 19, including the product feature as described above. As such, Applicants respectfully submit that claim 30 is allowable.



**9. The Product Feature and Linking Feature of Claim 35 are Not Shown in the Cited Art**

Regarding claim 35, claim 35 depends from claim 23. *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 23, including the product feature, as described above. As such, Applicants respectfully submit that dependent claim 35 is also allowable.

**10. The Interrelated Products Feature of Claim 36 is Not Found in the Cited Art**

Regarding claim 36, claim 36 depends from claim 23. *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 23, as described above. In addition, *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest a first service, a second service, and a third service that are interrelated services offered by a vendor. As such, Applicants respectfully submit that claim 36 is allowable under 35 U.S.C. §103.

**11. The Restaurant Equipment Feature of Claim 37 is Not Shown in the Cited Art**

Regarding claim 37, claim 37 depends from claim 23. *Suzuki*, the [www.fox.com](http://www.fox.com) website, and the combination of *Suzuki* and the [www.fox.com](http://www.fox.com) website fail to teach or remotely suggest each and every element of claim 23, as described above. In addition, *Suzuki* and the

## PATENT

www.fox.com website fail to teach or suggest elements specific to claim 37 including that the first website, the second website, the third website and a central site are associated with restaurant equipment. Neither *Suzuki* nor the www.fox.com website teach or remotely suggest restaurant equipment. Therefore, the combination of *Suzuki* and the www.fox.com website fails to teach or suggest each and every element of claim 37. As such, Applicants respectfully submit that claim 37 is allowable.

12. The Interrelated Electronic Vendor Sites Feature of Claim 38 is Not Shown in the Cited Art

Regarding claim 38, claim 38 depends from claim 23. *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or suggest each and every element of claim 23, as described above. In addition, *Suzuki*, the www.fox.com website, and the combination of *Suzuki* and the www.fox.com website fail to teach or suggest a first website, a second website, a third website and a central website are interrelated electronic vendor sites. As such, Applicants respectfully submit that claim 38 is allowable.

13. No Motivation or Suggestion to Combine References is Presented in Cited Art

In addition to the above arguments, there is no motivation or suggestion to combine *Suzuki* with the www.fox.com website. The cited references are in distinct fields. *Suzuki* relates to online shopping and the www.fox.com website does not offer products for sale. Moreover,

## PATENT

*Suzuki* nowhere discusses the establishment or form of domain names. Further, the Final Office Action failed to establish a reasonable expectation of success from such a combination.

**14. Objective Evidence and Secondary Considerations Showing Nonobviousness have been Presented**

In addition, Applicants have previously submitted a Declaration and supporting documents providing objective evidence and secondary consideration including evidence of long felt need, unexpected results, and commercial success. The Declaration signed by Jerry E. Pierce dated June 3, 2003 and supporting documents were provided in an Amendment filed June 18, 2003. The evidence shows a long felt need as expressed by a news article describing the failure of banner advertising. In addition, the evidence presented shows unexpected results and commercial success attributed to a website configured in accordance with an embodiment of the claimed invention.


PATENT

CONCLUSION

For at least the reasons given above, the Applicants respectfully request reconsideration and allowance of all claims and respectfully request that this patent application be promptly passed to issue.

Respectfully submitted,

12-21-2004  
Date

  
Jeffrey G. Toler, Reg. No. 38,342  
Attorney for Applicant(s)  
TOLER, LARSON & ABEL, L.L.P.  
(512) 327-5515 (phone)  
(512) 327-5452 (fax)

## PATENT

## IX. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL (37 C.F.R. §1.192(c)(9))

The text of each claim involved in the appeal is as follows:

16. (Previously Presented) A method of offering a plurality of interrelated products through a plurality of interrelated websites, the method comprising:

establishing a first website having a first website domain name, the first website domain name including a first second-level domain name portion formed from a common name portion, a first product name portion, and a top-level domain portion, the first product name portion identifying a first product of the plurality of interrelated products offered for sale via the first website, the first product offered as part of a product family, the first website accessible via an electronic communications network;

establishing a second website having a second website domain name, the second website domain name including a second second-level domain name portion formed from the common name portion, a second product name portion, and the top-level domain portion, the second product name portion identifying a second product of the plurality of interrelated products offered for sale via the second website wherein the second product is related to the first product, the second website separately accessible via the electronic communications network; and

creating a website direct link between the first website and the second website, such that a user visiting the first website can move to the second website by selecting the direct link.

## PATENT

17. (Previously Presented) The method of claim 16, further comprising:

establishing a third website having a third website domain name, the third website domain name including a third second-level domain name portion formed from the common name portion, a third product name portion, and the top-level domain portion, the third product name portion identifying a third product of the plurality of interrelated products offered for sale via the third website wherein the third product is related to the first product and is related to the second product, the third website is separately accessible via the electronic communications network; and

wherein the first website includes the direct link to the second website and includes a second direct link to the third website, the second website includes a third direct link to the first website and fourth direct link to the third website, and the third website includes a fifth direct link to the first website and a sixth direct link to the second website.

18. (Previously Presented) The method of claim 16, wherein a central site processes payments, verifies credit cards, confirms product orders, and queries visitors to the first website and to the second website.

19. (Previously Presented) A method of offering a plurality of interrelated products through a plurality of interrelated websites, the method comprising:

establishing a first website having a first website domain name, the first website domain name including a first second-level domain name portion formed from a common name portion, a first product name portion, and a top-level domain portion, the first product name portion describing a first product of the plurality of interrelated products offered for sale via the first website, the first website accessible via an electronic communications network;

establishing a second website having a second website domain name, the second website domain name including a second second-level domain name portion formed from the common name portion, a second product name portion, and the top-level domain portion, the second product name portion describing a second product of the plurality of interrelated products offered for sale via the second website wherein the second product

is related to the first product, the second website separately accessible via the electronic communications network;

establishing a third website having a third website domain name, the third website domain name including a third second-level domain name portion formed from the common name portion, a third product name portion, and the top-level domain portion, the third product name portion describing a third product of the plurality of interrelated products offered for sale via the third website wherein the third product is related to the first product and is related to the second product, and wherein the third website is separately accessible via the electronic communications network; and

wherein the first website includes a direct link to the second website and includes a second direct link to the third website, the second website includes a third direct link to the first website and a fourth direct link to the third website, and the third website includes a fifth direct link to the first website and a sixth direct link to the second website.

21. (Previously Presented) The method of claim 19, wherein a central site includes a hotlink to each of the first website, the second website, and the third website.

22. (Previously Presented) The method of claim 19, wherein the first product, the second product, and the third product are interrelated products offered by a vendor.

23. (Previously Presented) A method of offering a plurality of interrelated services through a plurality of interrelated websites, the method comprising:

establishing a first website having a first website domain name, the first website domain name including a first second-level domain name portion formed from a common name portion, a first service name portion, and a top-level domain portion, the first service name portion describing a first service of the plurality of interrelated services identified via the first website, the first website accessible via an electronic communications network;

establishing a second website having a second website domain name, the second website domain name including a second second-level domain name portion formed from the common name portion, a second service name portion, and the top-level domain portion, the second service name portion describing a second service of the plurality of

## PATENT

interrelated services identified via the second website wherein the second service is related to the first service, the second website separately accessible via the electronic communications network;

establishing a third website having a third website domain name, the third website domain name including a third second-level domain name portion formed from the common name portion, a third service name portion, and the top-level domain portion, the third service name portion describing a third service of the plurality of interrelated services wherein the third service is related to the first service and is related to the second service, and wherein the third website is separately accessible via the electronic communications network; and

wherein the first website includes a direct link to the second website and includes a second direct link to the third website, the second website includes a third direct link to the first website and a fourth direct link to the third website, and the third website includes a fifth direct link to the first website and a sixth direct link to the second website.

24. (Previously Presented) The method of claim 16, wherein the first website, the second website, and a central site are associated with restaurant equipment.

25. (Previously Presented) The method of claim 16, wherein the first website, the second website, and a central site are interrelated electronic vendor sites.

29. (Previously Presented) The method of claim 19, wherein the first website, the second website, the third website and a central site are associated with restaurant equipment.

30. (Previously Presented) The method of claim 19, wherein the first website, the second website, the third website and a central site are interrelated electronic vendor sites.

35. (Previously Presented) The method of claim 23, wherein a central site includes a hotlink to each of the first website, the second website, and the third website.



**PATENT**

36. (Previously Presented) The method of claim 23, wherein the first service, the second service, and the third service are interrelated products offered by a vendor.

37. (Previously Presented) The method of claim 23, wherein the first website, the second website, the third website and a central site are associated with restaurant equipment.

38. (Previously Presented) The method of claim 23, wherein the first website, the second website, the third website and a central site are interrelated electronic vendor sites.